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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,581	03/10/2004	Robert L. Beck	3591-1377	4719
757 7590 06/27/2008 BRINKS HOFER GILSON & LIONE P.O. BOX 10395 CHICAGO, IL 60610				
EXAMINER				
EPPS, TODD MICHAEL				
ART UNIT		PAPER NUMBER		
3632				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/797,581

**Applicant(s)**

BECK ET AL.

**Examiner**

Todd M. Epps

**Art Unit**

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26, 50 and 51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26, 50, and 51 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-949)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

This is the sixth Office Action for serial number 10/797,581, Computer Workstation With Moveable Monitor Support, filed on March 10, 2004.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 19 recites the limitation "said angle with said horizontal plane" in line 12. There is insufficient antecedent basis for this limitation in the claim.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 8, 10, 12-13, and 15-18 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,615,428 to Pattee.

Pattee '428 discloses a table, which can be used as a computer workstation comprising: a worksurface (120) movable a first distance in a fore-and-aft direction between first and second worksurface positions; wherein the worksurface has a front leading edge (front edge); a monitor support (110) coupled to the worksurface, wherein at least one of the worksurface and the monitor support is automatically moveable in response to a movement of the other of the worksurface and the monitor support, wherein the monitor support is automatically moveable a second distance in the fore-and-aft direction between first and second monitor positions in response to the worksurface being moved the first distance between the first and second worksurface positions, wherein the second distance is greater than the first distance (col. 4, lines 7-17); wherein the monitor support is positioned rearwardly of the front leading edge of the worksurface as the worksurface is moved between the first and second worksurface positions; further comprising a base (130) supporting the worksurface; further comprising a support roller (220) interfacing between the worksurface and the base; wherein the monitor support is slidably supported by the worksurface; further comprising a support roller interfacing between the monitor support and the worksurface; wherein the wherein the second distance is about 2 times the first distance; wherein a support surface of the worksurface forms an angle with a horizontal plane and the angle is about 5 degrees; wherein the worksurface is connected to a first drive device (motor) and the monitor support is connected to a second drive device (motor) and wherein the monitor support and the worksurface are coupled with a controller operably connected to the first and second drive devices.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 19-22 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,199,773 to Price, Jr. et al. (Price).

Price '773 discloses a computer workstation comprising: a worksurface (24) moveable a first distance in a fore-and-aft direction between first and second worksurface positions; a monitor support (60) coupled to the worksurface, wherein the monitor support is automatically moveable in response to a movement of the worksurface, wherein the monitor support automatically moveable a second distance in fore-and-aft direction between first and second monitor positions in response to the worksurface being moved the first distance between the first and second worksurface positions; wherein the second distance is greater than the first distance; a base (desk) having an upper surface formed at substantially with the horizontal plane, and wherein the base supports the worksurface. Furthermore, Price '773 disclose wherein the monitor support defines a support place (62) and further comprising at least one track oriented non-parallel (40, 42) to the support plane, and a guide (76) moveably mounted on the track, wherein the monitor support is pivotally connected to the guide; wherein the worksurface is connected to a front of the monitor support; and wherein the at least one track comprises at least one first track (46) directed upwardly from a rear to a front thereof and at least one second track (44) directed downwardly from a rear to a front thereof; wherein the second track is positioned forwardly of the first track and further comprising a first guide (76) moveably mounted to the first track and a second guide

(76) moveably mounted to the second track, wherein the monitor support is pivotally connected to the first and second guides, wherein the monitor support rotates about a horizontal axis as the first and second guides are moved along the first and second tracks respectively.

Claims 23-26 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,680,820 to Randolph.

Randolph '820 discloses a computer workstation (see figure 25) comprising: a worksurface (52) moveable a first distance in a fore-and-aft direction between first and second worksurface positions; a monitor support (22) coupled to the worksurface, wherein the monitor support is automatically moveable in response to a movement of the worksurface, wherein the monitor support automatically moveable a second distance in fore-and-aft direction between first and second monitor positions in response to the worksurface being moved the first distance between the first and second worksurface positions; wherein the second distance is greater than the first distance; wherein the monitor support is supported by a four bar linkage (250, 252); wherein the four bar linkage is configured as a parallelogram; wherein the monitor support is pivotally supported by a pair of non parallel links; and wherein worksurface is connected to a front of the monitor support.

Claims 50-51 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,669,789 to Pemberton.

Pemberton '789 discloses a computer workstation (see figures 9-10) comprising: a worksurface (43) moveable a first distance between first and second worksurface positions; wherein the worksurface has a front leading edge (front edge) and wherein the worksurface is moveable in at least a horizontal direction; a monitor support (14) coupled to the worksurface, wherein the monitor support is automatically moveable in response to a movement of the worksurface; wherein the monitor support is moveable a second distance between first and second monitor positions as the worksurface is moved the first distance between the first and second worksurface positions; wherein the second distance is greater than the first distance and the monitor support is positioned rearwardly of the front leading edge of the worksurface as the worksurface is moved between the first and second worksurface positions; and wherein the worksurface is further moveable in a vertical direction (see figure 9).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-7, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pattee '428.

Pattee '428 discloses only one guide gear roller between the worksurface and the base; and one guide gear roller between the monitor support and the worksurface with a track and fail to disclose a plurality of guide gear rollers between the two different surfaces on the track listed above. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the roller between the base and the worksurface; and between the worksurface and the monitor support of Pattee '428 to include two rollers interface on each surface because one would have motivated to provide a means for supporting the two surfaces on both ends to provide an equal balance on the surfaces.

Claims 11, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pattee '428 in view of U.S. Patent No. 6,736,469 to Long.

Regarding claim 11, Pattee '428 fails to disclose wherein the monitor support comprises a base and a platform pivotally mounted to the base. Nevertheless, Long '469 teach a base (Q, S) and a platform (U) pivotally mounted to the base. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the workstation of Pattee '428 to include the base and the platform as taught by Long '469 because one would have motivated to provide a means for adjusting the monitor at a different angle depending on the point of view on how the people see the monitor clearly.



Regarding claim 14, Pattee '428 fails to disclose wherein the workstation further comprising a keyboard tray pivotally mounted to the worksurface. Nevertheless, Long '469 teach a worksurface with a keyboard tray pivotally mounted thereon. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the workstation of Pattee '428 to include the keyboard tray as taught by Long '469 because one would have motivated to provide a means for supporting the keyboard to provide more spaces on the worksurface.

### ***Response to Arguments***

Applicant's arguments filed February 28, 2008 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Todd M. Epps whose telephone number is (571) 272-8282 – or – whose e-mail address is [Todd.Epps@uspto.gov](mailto:Todd.Epps@uspto.gov). The examiner can normally be reached on M-F (7:30-4:30).

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T.M.E./

Todd M. Epps  
Patent Examiner  
Art Unit 3632  
June 20, 2008

/Alfred Joseph Wujciak III/  
Primary Examiner, Art Unit 3632